

REMARKS/ARGUMENTS

The Examiner is requiring restriction to one of the following groups:

Group I: Claims 1-9, drawn to an article of manufacture;

Group II: Claims 10-13, drawn to a process; and

Group III: Claims 14-22, drawn to an article of manufacture.

Applicants hereby elect Group I, Claims 1-9, drawn to an article of manufacture, with traverse on the grounds that no adequate reasons and/or examples have been provided to support a conclusion of patentable distinctiveness between the identified groups. Also, it has not been shown that a burden exists in searching the claims of the three groups.

Moreover, the MPEP at § 803 states as follows:

“If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on its merits, even though it includes claims to distinct or independent inventions.”

Applicants respectfully submit that a search of all of the claims would not impose a serious burden on the Office.

With respect to the requirement to elect four (4) species, Applicants elect guanidine nitrate as the nitrogen containing organic compound; basic copper nitrate as the oxidizing agent; acid clay as the slag forming agent; and hydroxypropyl methylcellulose as the binder. Claims 1-9 are readable on the elected species.

Applicants traverse the election of species on the grounds that the nitrogen containing organic compound, the oxidizing agent, the slag forming agent and the binder are claimed and disclosed in this application as members of Markush groups, which is an acceptable manner of expressing together operable substances which could not be defined by generic language but which nevertheless have a community of chemical characteristics. All members of any Markush groups need only possess at least one property in common which is mainly

responsible for the function in the claimed relationship. The common characteristics and the utility in a generic sense suffices.

Applicants make no statement regarding the patentable distinctions of the species, but note that for the restriction to be proper there must be patentable differences.

Accordingly, and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement. Withdrawal of the Restriction Requirement is respectfully requested.


Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice of such action is earnestly solicited.

Respectfully submitted,

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